

DRAFT - Guidelines for Qualifying as a Green Community - DRAFT

GENERAL INFORMATION:

- All local governmental bodies per MGL c. 25A § 3 can apply.
- In the scoring of applications, a certain number of points will be allocated for meeting each requirement. To receive the maximum number of points available for a requirement, an applicant must fully meet the requirement and provide supporting documentation. However, applicants can also receive a *portion* of the points available for each requirement by *committing* to meeting the requirement within a specified time period, and providing documentation to demonstrate the commitment.
- There is a waiver provision in the Green Communities Act for meeting the requirements. However, this does not allow an applicant to state that a requirement “does not apply”. The applicant must provide an *alternative* means for meeting the requirement other than stated. For example, for Requirement 5 below, this will apply to those applicants who do not have a vehicle fleet.
- Applicants will also be able to receive bonus points for the following:
 - The applicant meets all four of the Environmental Justice Criteria below for the entire community:
 - Median annual household income is at or below 65% of the statewide median income;
 - 25% or more of the residents are minority;
 - 25% or more of the residents are foreign-born;
 - 25% or more of the residents are lacking English language proficiency
 - The application consists of more than one community.
 - The applicant meets the as-of-right siting requirement with renewable or alternative energy generation facilities.
 - The applicant provides documentation of other initiatives that are not part of the Green Communities requirements but advance the mission of the program.

SUMMARY OF REQUIREMENTS TO QUALIFY AS A GREEN COMMUNITY

As outlined in MGL c. 25A §10(c), a municipality or other local government body must do all of the following:

1. File an application with the Department of Energy Resources in a form and manner to be prescribed by the Department.
 - To receive the maximum number of points, the application must address all of the requirements as stated below.
2. Provide for the as-of-right siting of renewable or alternative energy generating facilities, renewable or alternative energy research and development (R&D) facilities, or renewable or alternative energy manufacturing facilities in designated locations.
 - “As-of-Right Siting” is defined as siting that provides for the allowed use of, and does not unreasonably regulate, or require a special permit.
 - An applicant can meet this requirement by providing as-of-right siting for one of the three types of facilities described.
 - Those who meet the requirement through as-of-right siting for renewable or alternative generation will receive bonus points.

- If a community has as-of-right siting in place for R&D and/or manufacturing facilities in general, this can meet this requirement, but the community must demonstrate that the zoning by-law applies to renewable and alternative energy R&D or manufacturing.
 - Communities can select the specific locations for the as-of-right siting, i.e. where these facilities are to be located, but these locations must be feasible and practical.
 - If providing as-of-right siting for generation, the community must select technology that is practically available and provides a realistic opportunity for generation. It is expected that a community will appropriately utilize its available renewable resources, and this will be taken into consideration in the review of an application meeting this requirement. For example, it would be expected that a community with wind resources of 6m/s or above will provide as-of-right siting for wind generation.
 - As-of-right zoning by-laws can apply appropriate standards that protect public health and safety and provide for non-discretionary site plan review. Reasonable environmental performance standards per the developed by-law may be incorporated into the Site Plan Review (SPR) process (e.g. height, setback, etc...), but cannot be so stringent as to make the use infeasible. The thrust of this aspect of the policy is that SPR be truly non-discretionary. In other words, if the standards and zoning requirements are met, the project can be built. This is distinct from the Special Permit (SP), in that the SP may be denied if the Planning Board or other permit granting authority is not satisfied with the project.
 - An applicant can meet this requirement with as-of-right siting for renewable or alternative energy generation for one of the following project requirements:
 - On-shore Wind – a turbine of a minimum 600 kW in size or above
 - Off-shore Wind – a turbine of a minimum 2.5 MW or above
 - Solar Photovoltaic – a single ground-mounted system of a minimum of 250 kW or above
 - Biomass – a single facility of 10 MW or above
 - A CHP central plant serving multiple buildings – 5 MW or above
 - Ocean, wave or tidal – no minimum threshold
3. Adopt an expedited application and permitting process under which these energy facilities may be sited within the municipality and which shall not exceed 1 year from the date of initial application to the date of final approval.
- The expedited application and permitting process applies only to the proposed facilities which are subject to the as-of-right siting provision.
 - An applicant can meet this requirement by applying the expedited permitting process of MGL c 43D to these zoning districts.
4. Establish an energy use baseline inventory for municipal buildings, vehicles, street and traffic lighting, and put in place a comprehensive program designed to reduce this baseline by 20 percent within 5 years of initial participation in the program.
- A community can meet this requirement if it has completed an inventory as described above and has already implemented a program to reduce the baseline within the previous 24 months.
 - For applications consisting of more than one community, all communities must complete the inventory. However, the comprehensive program to reduce the baseline by 20% can be applied across all communities.
 - Acceptable tools for performing the inventory are:
 - EnergyStar Portfolio Manager

- ICLEI software
 - DOER's Energy Information Reporting System
 - Other tools proposed by the community and deemed acceptable by DOER
5. Purchase only fuel-efficient vehicles for municipal use whenever such vehicles are commercially available and practicable.
- Heavy-duty vehicles only such as fire-trucks, ambulances, and public works trucks are exempt from this criterion.
 - If an applicant does not have a vehicle fleet other than heavy-duty vehicles, it must propose alternative means for meeting this requirement, eg. having in place policies and procedures that promote reduced fuel usage for the municipality. For example, carpooling incentives for municipal employees, preferred parking for employees with hybrid vehicles, bike racks at municipal buildings and incentives for employees to bike to work.
 - An applicant must provide a vehicle inventory for non-exempt vehicles and a plan for replacing these vehicles with vehicles that meet the fuel efficiency ratings below. These fuel efficiency ratings are set to ensure that at least 5 or more automatic transmission models of mass production are available for sale in Massachusetts (all from affordable brands; no luxury brands). Based on 2009 and 2008 model year data from EPA results in combined city and highway MPG ratings of not less than the following:
 - 2 wheel drive car: 29 MPG
 - 4 wheel drive car: 24 MPG
 - 2 wheel drive small pick-up truck: 20 MPG
 - 4 wheel drive small pick-up truck: 18 MPG
 - 2 wheel drive standard pick-up truck: 17 MPG
 - 4 wheel drive standard pick-up truck: 16 MPG
- (NOTE: A spreadsheet of the vehicles that meet this requirement will be provided with the application form)
6. Require all new residential construction over 3,000 square feet and all new commercial and industrial real estate construction to minimize, to the extent feasible, the life-cycle cost of the facility by utilizing energy efficiency, water conservation and other renewable or alternative energy technologies.
- The Board of Building Regulations and Standards (BBRS) is currently considering the development of an optional energy code that exceeds the current code that cities and towns can elect to adopt. It will provide standards for both residential and commercial construction. This code is currently not available. The development of this code is including life-cycle cost analysis and is substantially equivalent to meeting this requirement. Therefore, an applicant can meet this requirement by adopting this code. (NOTE: The code will define New Construction with respect to renovations and additions.)
 - In the interim, in order to meet this requirement, applicants can implement some type of incentive program for residential, commercial and industrial construction to meet the following, which reflect the development of the new code.
 - Residential – EnergyStar Homes
 - Commercial, Industrial – New Building Institutes (NBI) Core Performance criteria
 - Should a community choose to use a different standard, it must provide documentation that demonstrates that application of this standard results in reduced life-cycle energy costs.